

Exhibit 5

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**Infringement of U.S. Patent No. 9,375,046
by lululemon**

The allegations made herein are based on information currently available to Nike. Nike reserves the right to amend and/or supplement these allegations based on information provided during the course of this case, including during the course of fact and expert discovery that has yet to take place. Nike also reserves the right to supplement and/or amend these allegations in light of the construction of any claim terms that are disputed by the parties and to the extent that such claim construction affects any of the claims set forth in the chart below. In the event that a claim element is deemed to be missing under a literal infringement analysis (*e.g.*, due to claim construction), Nike reserves the right to demonstrate the presence of a substantial equivalent of such an element and to pursue infringement under the doctrine of equivalents. Moreover, no statements made herein are intended as an admission regarding the meaning of any claim term.

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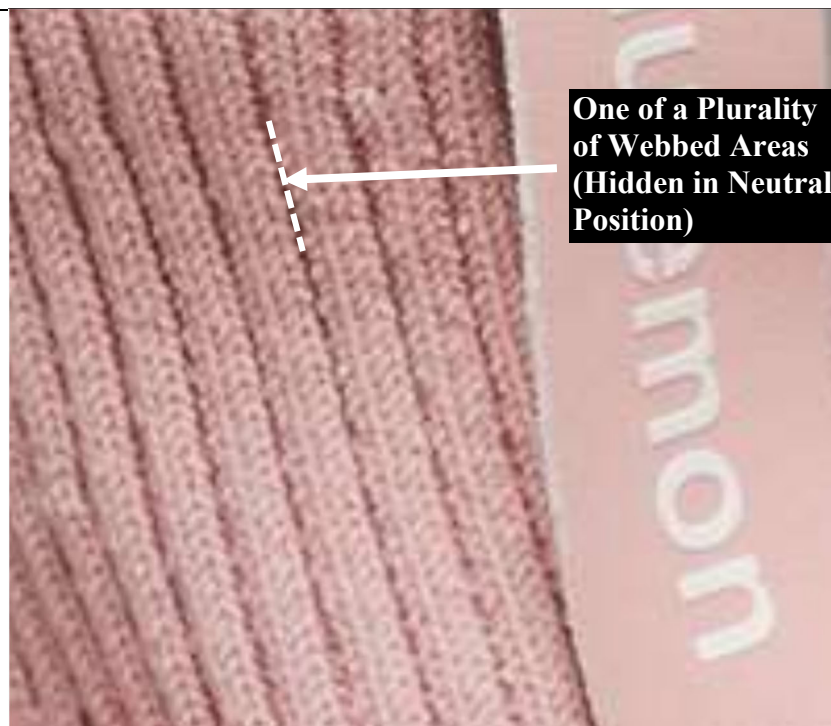
'046 Patent Claim Limitations	Evidence of Infringement
<p>1[pre]. An article comprising:</p>	<p><i>To the extent the preamble is limiting, the lululemon Chargefeel Mid is an article. Specifically, the Chargefeel Mid style embodies an article of footwear, as shown below.</i></p> <p>Chargefeel Mid https://shop.lululemon.com/p/shoes/W-Chargefeel-Workout-Mid/_/prod11110148)</p> 
<p>1[a][i]. a plurality of webbed areas that include a plurality of courses formed from a first yarn,</p>	<p><i>The lululemon Chargefeel Mid comprises a textile upper with a plurality of webbed areas that include a plurality of courses formed from a first yarn. See, e.g.:</i></p> <p>Chargefeel Mid https://shop.lululemon.com/p/shoes/W-Chargefeel-Workout-Mid/_/prod11110148)</p>

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Chargefeel Mid (<https://www.lulufanatics.com/item/75919/lululemon-chargefeel-mid-womens-workout-shoe-mink-berry-mink-berry-white>)

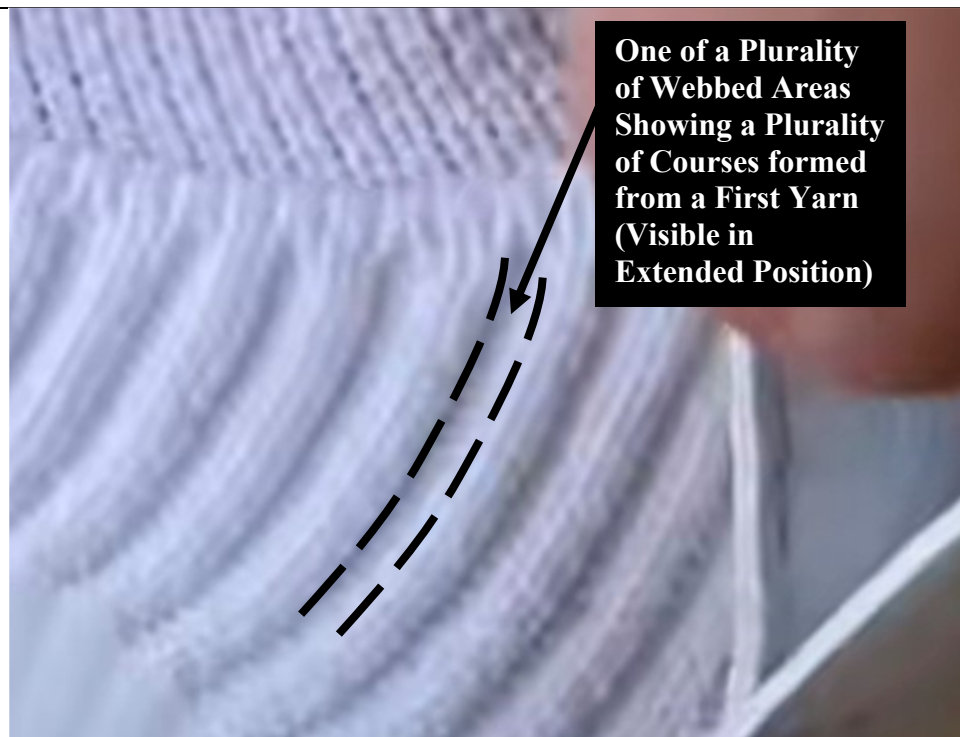
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**One of a Plurality
of Webbed Areas
(Hidden in Neutral
Position)**

Healthy girl summer routine ft. @lululemon's new chargefeel workout shoe by kirra.mov, TikTok (available at <https://www.tiktok.com/@kirra.mov/video/7124784545420823854>)

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@lululemon for your feet is making me chargefeel some type of way ;) by meimonstaa, TikTok (available at <https://www.tiktok.com/@meimonstaa/video/7124863724665670958>)

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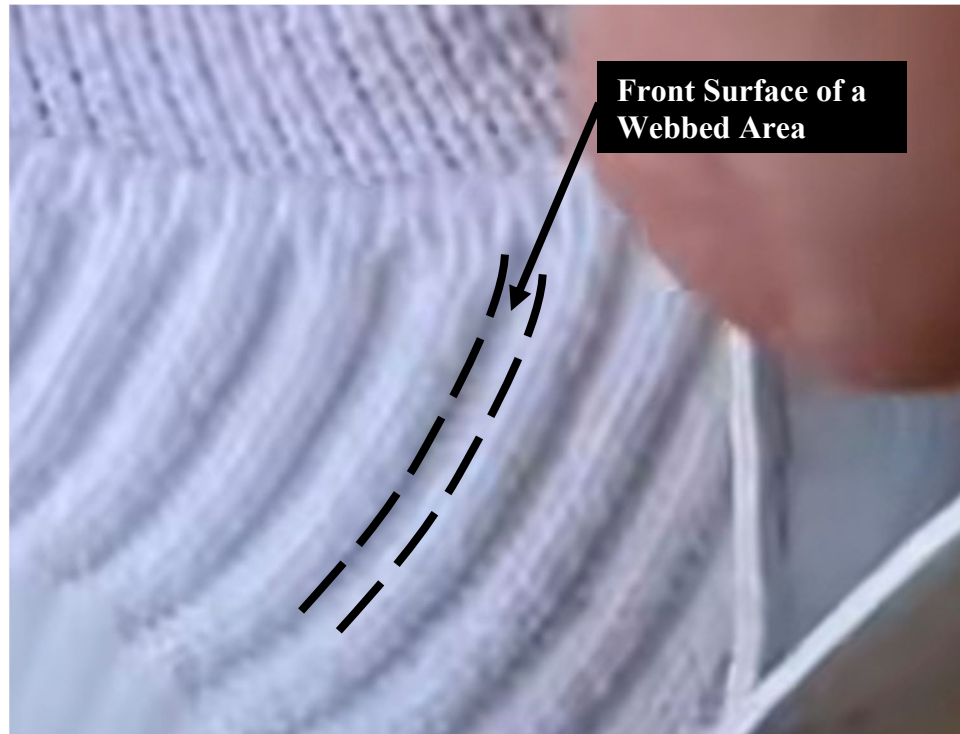
	 <p data-bbox="1543 196 1852 483">One of a Plurality of Webbed Areas Showing a Plurality of Courses formed from a First Yarn (Visible in Extended Position)</p>
<p>1[a][ii]. the webbed areas having a front surface,</p>	<p><i>The webbed areas on the upper of the lululemon Chargefeel Mid has a front surface. See, e.g.: Healthy girl summer routine ft. @lululemon's new chargefeel workout shoe by kirra.mov, TikTok (available at https://www.tiktok.com/@kirra.mov/video/7124784545420823854)</i></p>

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@lululemon for your feet is making me chargefeel some type of way ;) by meimonstaa,
TikTok (available at <https://www.tiktok.com/@meimonstaa/video/7124863724665670958>)

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	 <p data-bbox="1549 250 1856 342">Front Surface of a Webbed Area</p>
<p>1[a][iii]. the webbed areas configured to move between a neutral position and an extended</p>	<p><i>The webbed areas on the upper of the lululemon Chargefeel Mid are configured to move between a neutral position and an extended position when force is applied, as shown below.</i></p>

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position, the webbed areas being biased to move toward the neutral position and

Chargefeel Mid

(https://shop.lululemon.com/p/shoes/W-Chargefeel-Workout-Mid/_/prod11110148)



EXCLUSIVE LOOK: lululemon Chargefeel - The Ultimate Review and HUGE Lululemon Styling Haul! by ShadeTV, YouTube (available at <https://www.youtube.com/watch?v=X0Y0j8SmbJ0> at 9:05)

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	 <p>Extended Position</p>
<p>1[b]. a plurality of tubular structures that are adjacent to the webbed areas, the tubular structures including a plurality of courses;</p>	<p><i>The lululemon Chargefeel Mid comprises a textile upper with a plurality of tubular structures that are adjacent to the webbed areas and that include a plurality of courses. See, e.g.:</i></p> <p>Chargefeel Mid (https://shop.lululemon.com/p/shoes/W-Chargefeel-Workout-Mid/_/prod11110148)</p>

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Chargefeel Mid (<https://www.lulufanatics.com/item/75919/lululemon-chargefeel-mid-womens-workout-shoe-mink-berry-mink-berry-white>)

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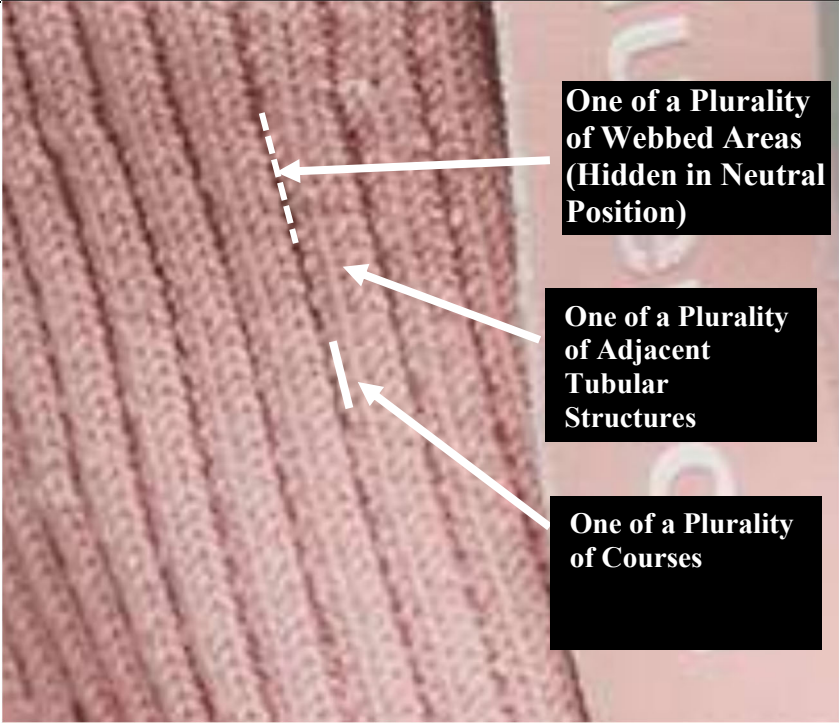
	 <p>One of a Plurality of Webbed Areas (Hidden in Neutral Position)</p> <p>One of a Plurality of Adjacent Tubular Structures</p> <p>One of a Plurality of Courses</p> <p>Healthy girl summer routine ft. @lululemon's new chargefeel workout shoe by kirra.mov, TikTok (available at https://www.tiktok.com/@kirra.mov/video/7124784545420823854)</p>
<p>1[c]. wherein at least one of the webbed areas or tubular structures is configured to stretch to move the webbed areas to the extended position in response to a force applied to the article</p>	<p><i>When force is applied, at least the webbed areas of the upper of the lululemon Chargefeel Mid are configured to stretch to move the webbed areas to the extended position. See, e.g.:</i></p> <p>Chargefeel Mid (https://shop.lululemon.com/p/shoes/W-Chargefeel-Workout-Mid/_/prod11110148)</p>

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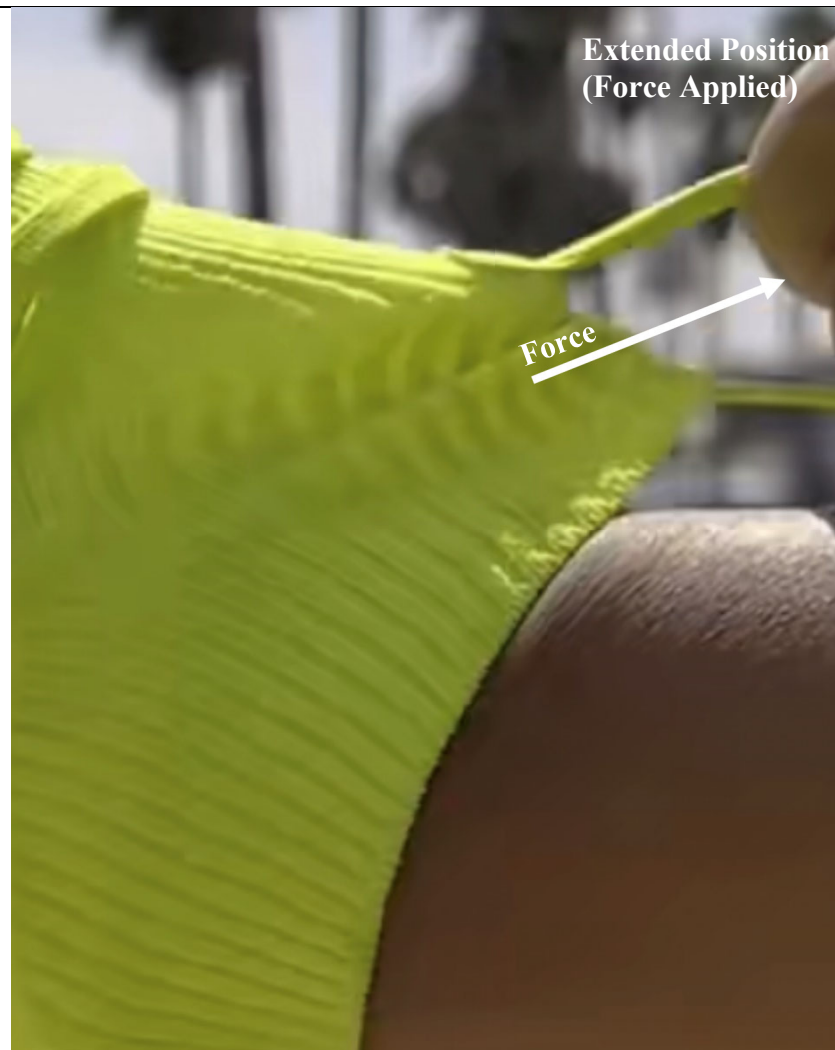


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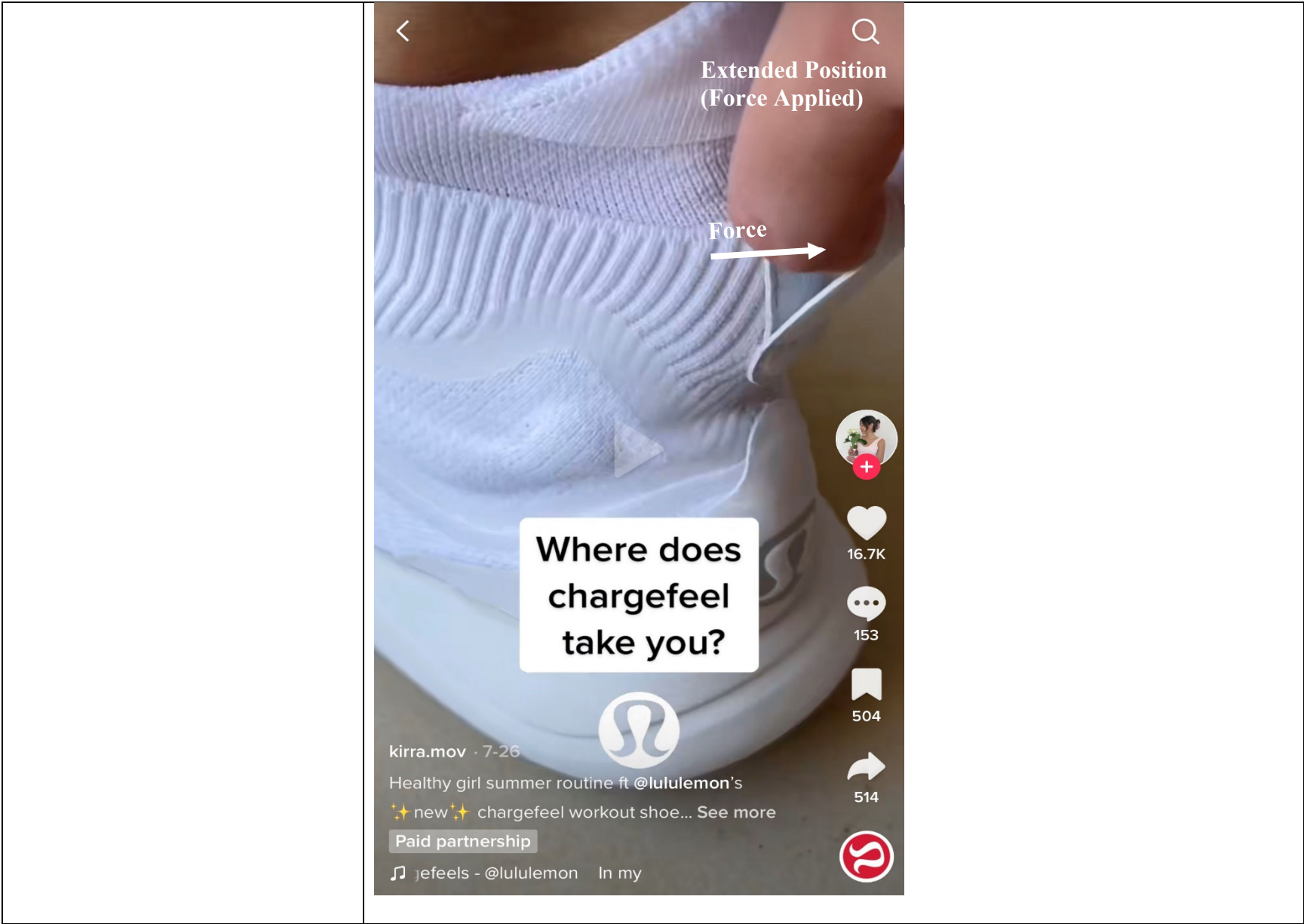


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1[d]. wherein in the neutral position, a first area of the front surface is hidden from visual observation from a first viewing perspective, and

When in a neutral position, a first area of the front surface of the upper of the lululemon Chargefeel Mid is hidden from visual observation from a first viewing perspective. See, e.g.:

Chargefeel Mid

(https://shop.lululemon.com/p/shoes/W-Chargefeel-Workout-Mid/_/prod11110148)



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<p>1[e]. wherein in the extended position, the first area of the front surface is revealed for visual observation from the first viewing perspective.</p>	<p><i>When in an extended position, the first area of the front surface of the upper of the lululemon Chargefeel Mid is revealed for visual observation from the first viewing perspective. See, e.g.:</i></p> <p>Chargefeel Mid https://shop.lululemon.com/p/shoes/W-Chargefeel-Workout-Mid/_/prod11110148)</p>

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